

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

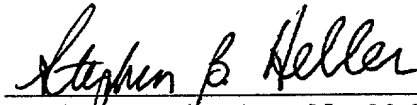
In Re U.S. Patent Application Of:)
Kenneth Kiron and Kevin S. Bander)
)
Application No. 09/140,868) Group Art Unit: 2761
)
Filed: August 27, 1998) Examiner S. Tkacs
)
For: Open End Mutual Fund Securitization Process)

Assistant Commissioner For Patents
Washington, D.C. 20231

ASSOCIATE POWER OF ATTORNEY (37. C.F.R. 1.34)

Please recognize as Associate Practitioner in this case:

Edward L. Bishop, Reg. No. 39,110
Wallenstein & Wagner, Ltd.
311 South Wacker Drive, 53rd Floor
Chicago, Illinois 60606-6622
Ph. 312.554.3300
Fax 312.554.3301

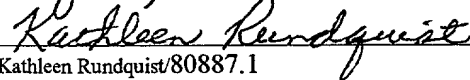


Stephen B. Heller, Reg. No. 30,181
Cook, Alex, McFarron, Manzo,
Cummings & Mehler, Ltd.
200 West Adams Street, Suite 2850
Chicago, Illinois 60606
Ph. 312.236.8500

CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231 on

Sept 2, 1999


Kathleen Rundquist/80887.1

094438-0440
F01240-B264860

09843278-042401

DECLARATION FOR PATENT APPLICATION

Docket Number (Optional)

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled OPEN AND MUTUAL FUND SECURITIZATION PROCESS, the specification of which

is attached hereto unless the following box is checked:

☐ was filed on _____ as United States Application Number or PCT International Application Number _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

| (Number) | (Country) | (Day/Month/Year Filed) | <input type="checkbox"/> Yes <input type="checkbox"/> No |
|----------|-----------|------------------------|--|
| (Number) | (Country) | (Day/Month/Year Filed) | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| (Number) | (Country) | (Day/Month/Year Filed) | <input type="checkbox"/> Yes <input type="checkbox"/> No |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| (Application Number) | (Filing Date) | (Status - patented, pending, abandoned) |
|----------------------|---------------|---|
| (Application Number) | (Filing Date) | (Status - patented, pending, abandoned) |

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Kenneth Kiron
 Address all telephone calls to Kenneth Kiron at telephone number 212-249-2700
 Address all correspondence to 309 West 57th St Apt 1707
NY NY 10019

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and those like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name) Kenneth Kiron
 Inventor's signature [Signature] Date 10/12/95
 Residence 309 West 57th St #1707 NY NY 10019 Citizenship USA
 Post Office Address NY

Full name of second joint inventor, if any (given name, family name) Kevin S. Bander
 Second inventor's signature [Signature] Date 10/11/95
 Residence 1 E. Delaware #9K, Chicago IL 60611 Citizenship USA
 Post Office Address _____

☐ Additional inventors are being named on separately numbered sheets attached hereto.

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe that I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled OPEN End M.F. Fund Securitization Process

The specification of which

(check one)

☒ is attached hereto.

☐ was filed on _____ as application serial no. _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Sec. 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Sec. 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

09843278-042401

Prior Foreign Application(s)(if any)

Priority Claimed

(Serial Number)

(Country)

(Day, Month
Year filed)

[] []
(Yes) (No)

I hereby claim the benefit under Title 35, United States Code, Sec. 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Sec. 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Sec. 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application serial
number)

(Filing date)

(Status-, patented,
pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor

Kenneth KIRON

09843278-042401

Inventor's signature

K. J. C.

Date

10/10/95

Residence

309 West 57th St #1707 NY NY 10019

Citizenship

USA

Post Office Address

(Supply similar information and signature of second and subsequent inventors.)

09843279.04240
T04240.822E+860

09843278.042401



VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.7(c))--SMALL BUSINESS CONCERN

Docket Number (Optional)

Applicant or Patentee: MOPEX, INC.
Serial or Patent No.: _____
Filed or Issued: THE OPEN END MUTUAL FUND SECURITIZATION PROCESS

I hereby declare that I am
☒ the owner of the small business concern identified below:
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN MOPEX, INC.
ADDRESS OF SMALL BUSINESS CONCERN 309 WEST 57th ST. #1707
NY NY 10019

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d). For purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.
- ☒ the application identified above.
- ☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:
☒ no such person, concern, or organization exists.
☐ each such person, concern or organization is listed below.

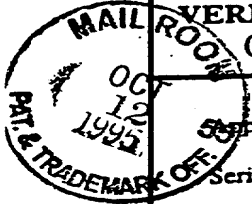
Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Kenneth KIRON
TITLE OF PERSON IF OTHER THAN OWNER ~~OWNER~~ PARTNER / PRINCIPAL
ADDRESS OF PERSON SIGNING 309 West 57th St. #1707 NY NY 10019
SIGNATURE [Signature] DATE 10/10/95

09843278, 042401



VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 7(b))--INDEPENDENT INVENTOR

Docket Number (Optional)

Applicant or Patentee: Kenneth K. Row
Serial or Patent No.: _____

Filed or Issued: _____
Title: Open end Mutual End Securitization Process

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ No such person, concern, or organization exists.
☒ Each such person, concern or organization is listed below.
Mopox, INC.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

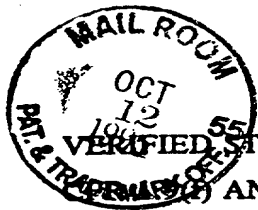
Kenneth K. Row
NAME OF INVENTOR
[Signature]
Signature of inventor
10/12/95
Date

Kevin Bander
NAME OF INVENTOR
[Signature]
Signature of inventor
10/11/95
Date

NAME OF INVENTOR

Signature of inventor

Date



VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.27(a)) AND 1.27(b)-Independent Inventor

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9 (c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled Open end Mutual Fund described in Securitization Process
☒ the specification filed herewith

☐ application serial no. _____, filed _____

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.27(e).

Each person, concern, or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any right in the invention is listed below:

☐ no such person, concern, or organization

☒ persons, concerns, or organizations listed below*

*Note: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME MOPEX, INC.

ADDRESS 309 West 57th St #1707
NY, NY 10019

☐ Individual ☒ Small business
☐ Nonprofit organization

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I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fees due after the date on which status as a small entity is no longer appropriate. (37 CFR 128(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon, or any patent to which this verified statement is directed.

Full name of sole or first inventor

Kenneth KIRON

Inventor's signature

KWK

Date

10/10/95

0943278-042404

ASSIGNMENT

WHEREAS, WE, Kenneth Kiron and Kevin S. Bander, ASSIGNORS, citizens of the United States of America, residing at 309 West 57th Street, Suite 1707, New York, New York 10019; and 1 East Delaware Street, Apt. 9K, Chicago, Illinois 60611, respectively, are the inventors of the invention in

OPEN END MUTUAL FUND SECURITIZATION PROCESS

for which we have executed an application for a Patent of the United States

☐ which is executed on ☐ even date herewith or ☐ _____ (date)

☒ which is identified by Pennie & Edmonds LLP docket no. 9276-003-999

☒ which was filed on December 12, 1995, Application No. 08/542,431

and WHEREAS, MOPEX INC., ASSIGNEE, having a place of business at 309 West 57th Street, Suite 1707, New York, New York 10019, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof:

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

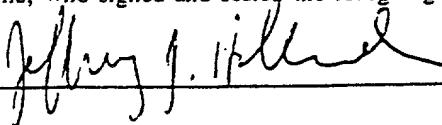
IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date June 9th, 1997  L.S.
Kenneth Kiron

State of New York)
County of New York) SS.:

On this 9 day of JUNE, 1997, before me, a Notary Public in and for the State and County aforesaid, personally appeared Kenneth Kiron, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

JEFFREY J. HOLLANDER
Notary Public, State of New York
No. 41-4968166
Qualified in Queens County
Commission Expires 6/12/98


Notary Public.

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Date 6/10/97, 1997

Kevin S. Bander

L.S.

State of IL

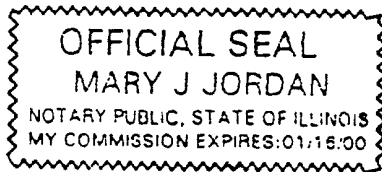
County of Cook

SS.:

On this 11 day of June, 1997, before me, a Notary Public in and for the State and County aforesaid, personally appeared Kevin S. Bander, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

Mary J Jordan

Notary Public.



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